

## Message Text

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PAGE 01 MANAGU 02133 041803Z

53

ACTION ARA-10

INFO OCT-01 ISO-00 ARAE-00 SS-15 L-03 NSC-05 ORM-01 SR-02

PRS-01 VO-03 SCA-01 CIAE-00 INR-07 NSAE-00 DODE-00

FBIE-00 SY-05 INSE-00 /054 W  
----- 048818

P 041600Z JUN 75

FM AMEMBASSY MANAGUA

TO SECSTATE WASHDC PRIORITY 7125

AMEMBASSY SAN JOSE PRIORITY

INFO AMEMBASSY PANAMA PRIORITY

AMEMBASSY CARACAS PRIORITY

AMEMBASSY MEXICO PRIORITY

AMEMBASSY LIMA PRIORITY

AMEMBASSY GUATEMALA PRIORITY

AMEMBASSY TEGUCIGALPA PRIORITY

AMEMBASSY SAN SALVADOR PRIORITY

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EO 11652: N/A

TAGS: PINS, PFOR, PINT, CS, VE, NU

SUBJECT: COSTA RICAN EMBASSY DEFENDS ASYLUM DENIAL

REF MANAGUA 2082 (NOTAL)

SUMMARY: COSTA RICAN AMBASSADOR TO NICARAGUA HAS ATTEMPTED TO RATIONALIZE PUBLICLY HIS REFUSAL TO GRANT ASYLUM TO AN FSLN-CONNECTED INDIVIDUAL ON JURIDICAL GROUNDS, QUESTIONING THE ASYLUM SEEKER'S BONA FIDES. HANDLING OF CASE SUGGESTS THAT COSTA RICA MAY HAVE ALTERED ITS ATTITUDE TOWARD NICARAGUAN DISSIDENTS AS A RESULT OF SOMOZA-ODUBER MEETING IN FEBRUARY.

1. SMARTING UNDER CHARGES THAT COSTA RICA HAD ABANDONED ITS TRADITIONAL ASYLUM POLICY IN TURNING AWAY SUSPECTED SANDINISTA ROSALIO PINEDA MONTENEGRO (REFTEL), COSTA RICAN EMBASSY ISSUED COMMUNIQUE JUNE 2 WHICH REAFFIRMS THAT COSTA RICA "HAS BEEN,  
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PAGE 02 MANAGU 02133 041803Z

IS AND WILL CONTINUE BEING THE GENEROUS LAND WHICH WELCOMES THE

POLITICALLY OPPRESSED TO ITS SHORES." COMMUNIQUE CONTINUES, HOWEVER, TO STATE THAT ASYLUM MUST BE GRANTED WITH "COMPLETE RESPONSIBILITY" AND MUST BE FIRMLY BASED IN THE NORMS OF INTERNATIONAL LAW OR THIS "SACRED RIGHT WILL BE WEAKENED AND BECOME A DEAD LETTER FOR THOSE WHO ARE TRULY PERSECUTED FOR POLITICAL REASONS."

2. COMMUNIQUE ASSERTS THAT BEING A "POLITICAL OFFENDER" IS SINE QUA NON FOR BEING GRANTED POLITICAL ASYLUM. IN PINEDA CASE, IT STATES BOTH HE AND CONSERVATIVE DEPUTY ALBERTO SABORIO, WHO ACCOMPANIED HIM TO TALK TO COSTA RICAN AMBASSADOR ENRIQUE CARMONA BENEVIDES, ADMITTED THAT PINEDA HAD COMMITTED NO POLITICAL OFFENSE AND DID NOT EVEN BELONG TO A POLITICAL PARTY. RATHER HE SOUGHT ASYLUM SIMPLY BECAUSE HE FEARED HE WOULD BE ARRESTED BECAUSE HE HAD BEEN MENTIONED IN TESTIMONY BEFORE MILITARY TRIBUNAL. COMMUNIQUE CONCLUDES THAT SINCE PINEDA WAS NOT A POLITICIAN AND HAD NOT COMMITTED A POLITICAL OFFENSE, THE COSTA RICAN EMBASSY COULD NOT GRANT HIM ASYLUM.

3. COMMUNIQUE STATES IT WAS ISSUED TO "CLARIFY" MEDIA REPORTS CONCERNING PINEDA INCIDENT. LA PRENSA STORY OF MAY 31 ENTITLED "TICA EMBASSY: ASYLUM FOR NOBODY" WAS PROBABLY A PARTICULAR TARGET. REPORTING INTERVIEW WITH AMBASSADOR CARMONA, LA PRENSA QUOTES HIM AS SAYING HE COULD NOT GIVE PINEDA ASYLUM BECAUSE OF AGREEMENT BETWEEN COSTA RICA AND NICARAGUA WHICH PROHIBITS BOTH COUNTRIES FROM PERMITTING ELEMENTS ON THEIR TERRITORY WHICH MAY CREATE CONFLICTS IN RELATIONS BETWEEN THE TWO GOVERNMENTS. CARMONA IS FURTHER QUOTED AS SAYING "COSTA RICA IS VERY CAREFUL NOT TO ERODE THE MAGNIFICENT RELATIONS WHICH WE TODAY MAINTAIN WITH NICARAGUA." HE ALSO STATED THAT DECISION ON PINEDA WAS TAKEN IN CONSULTATION WITH GOC FOREIGN MINISTRY.

4. IN THE SAME INTERVIEW CARMONA HAD SOUGHT TO ALLAY THE IMPRESSION THAT COSTA RICA HAD ABRUPTLY CHANGED ITS POLICY SINCE IT HAD GIVEN ASYLUM TO MARIO MIRANDA BALDIZON, ANOTHER SANDINISTA, IN JANUARY. CARMONA CLAIMED THAT THE EMBASSY HAD ONLY GIVEN MIRANDA "TEMPORARY REFUGE AND PROTECTION" AND THAT THE MATTER HAD BEEN DISPOSED OF WHEN THE GON GRANTED MIRANDA NOT A SAFE CONDUCT TO THE BORDER, BUT RATHER AN ORDINARY PASSPORT AND EXIT VISA WITH WHICH TO TRAVEL TO LIMITED OFFICIAL USE

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PAGE 03 MANAGU 02133 041803Z

FRANCE VIA COSTA RICA. IRONICALLY, MIRANDA WAS GRANTED REFUGE AT THE COSTA RICAN EMBASSY ONLY AFTER HE APPLIED FOR IT BUT WAS PERSUADED OTHERWISE AT THE PERUVIAN EMBASSY.

5. COUNTERING PERSISTENT RUMORS IN MANAGUA THAT CARMONA IS IN POLITICAL DIFFICULTIES WITH GOC AND WILL LIKELY BE REMOVED IN NEAR FUTURE. COSTA RICAN EMBASSY ISSUED SECOND COMMUNIQUE JUNE 2 ADDRESSING THESE "SPECULATIONS." IT EXPRESSED COMPLETE

SATISFACTION ON PART OF FOREIGN MINISTER AND GOC IN GENERAL WITH CARMONA'S PERFORMANCE AS AMBASSADOR TO NICARAGUA AND STATED FOREIGN MINISTRY HOPED TO HAVE CONTINUED BENEFIT OF HIS SERVICES FOR A LONG TIME IN NICARAGUA AS WELL AS IN WHATEVER POSITION HE MAY BE TRANSFERRED TO IN THE FUTURE."

6. COMMENT: CONTROVERSY OVER THE RIGHT OF ASYLUM IN LATIN AMERICA HAS A LONG HISTORY BUT AMBASSADOR CARMONA'S TORTUOUS CATCH-22 LOGIC OF WHAT CONSTITUTES A POLITICAL OFFENDER MUST BE TAKEN WITH A GRAIN OF SALT. MOST HERE BELIEVE IT TO BE A CLUMSY RATIONALIZATION FOR A DECISION TAKEN FOR POLICY IMPERATIVES AT SAN JOSE WHICH SEEMS TO BE BENDING OVER BACKWARDS NOT TO OFFEND THE SOMOZA REGIME. WHILE ALL OF THIS IS DISCNCERTING TO THE NICARAGUAN OPPOSITION WHO HAVE TRADITIONALLY LOOKED TO COSTA RICA FOR SUCCOR ALMOST REFLEXIVELY, CARMONA'S STATEMENT MAY ALSO PROVE TROUBLESOME FOR THE VENEZUELANS, WHO MUST DEAL WITH PINEDA, AND FOR THE MEXICANS WHO ALSO ARE CURRENTLY HARBORING ANOTHER FSLN-CONNECTED ASYLEE.

7. BILATERAL AGREEMENT REFERRED TO BY CARMONA MAY HAVE BEEN BROAD INTERPRETATION OF ODUBER-SOMOZA COMMUNIQUE IN FEBRUARY WHICH EMPHASIZED NON INTERVENTION. AT THE TIME, SOMOZA WAS QUITE ANGRY ABOUT LAX COSTA RICAN FRONTIER CONTROL, DISTORTED MEDIA REPORTING IN COSTA RICA ABOUT THE NICARAGUAN INTERNAL SITUATION, AND A REMARK ATTRIBUTED TO THE COSTA RICAN MINISTER OF STATE SECURITY ABOUT GUERRILLA ACTIVITIES HERE. A SOLUTION TO THE MIRANDA ASYLUM CASE APPEARS TO HAVE BEEN WORKED OUT AT THAT MEETING, AND IT IS POSSIBLE THAT SOMP KIND OF CONCESSION COVERING FUTURE ASYLEE CLAIMS WAS EXTRACTED FROM COSTA RICA IN RETURN. SHELTON

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## Message Attributes

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**TAGS:** PINS, PFOR, PINT, CS, VE, NU, FSLN, (PINEDA MONTENEGRO, ROSALIOPINEDA)  
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